

Henry E. Heater (State Bar #99007)
Donald R. Lincoln (State Bar #41672)
Linda B. Reich (State Bar #87619)
Endeman, Lincoln, Turek & Heater LLP
600 "B" Street, Suite 2400
San Diego, California 92101-4508
(619) 544-0123
Fax (619) 544-9110

John G. Barisone (State Bar #087831)
City Attorney, City of Capitola
Atchison, Barisone, Condotti & Kovacevich
333 Church Street
Santa Cruz, California 95060-3811
(831) 423-8383
Fax (831) 423-9401

Attorneys For Defendant
City of Capitola

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SURF AND SAND, LLC, a
California Limited Liability
Company,

Plaintiff,

CITY OF CAPITOLA, and DOES 1
through 10, Inclusive

Defendants.

CASE NO. C07 05043

Judge: Richard Seeborg

E-FILING

DATE: December 19, 2007

TIME: 9:30 a.m.

COURTROOM: 3, 5th Floor

ACTION FILED: 10/01/07

**REVISED NOTICE OF MOTION RESCHEDULING THE
DATE FOR HEARING OF DEFENDANTS' MOTION TO DISMISS**

REVISED NOTICE OF MOTION

To Plaintiff and Its Counsel:

Notice is hereby given that Defendants' Motion to Dismiss previously noticed for hearing on December 12, 2007, has been reset for hearing on December 19, 2007 at 9:30 a.m. in Courtroom 3, 5th Floor, of the above Court located at 290 South First Street, San Jose, California.

Respectfully Submitted,

Dated: November 9, 2007

Henry E. Heater
Donald R. Lincoln
Linda B. Reich
Endeman, Lincoln, Turek & Heater LLP

John G. Barisone
City Attorney, City of Capitola
Atchison, Barisone, Condotti &
Kovacevich

By: Linda B. Reich
Linda B. Reich
Attorneys for Defendant City of
Capitola